

Application No.: 10/767,745Docket No.: 713-1003**REMARKS**

This is in full and timely response to the above-identified Office Action. Favorable reconsideration in light of the preceding amendments and the following remarks are respectively requested.

The 35 U.S.C. 112, second paragraph rejection of claims 24 and 32 is overcome by via amendments which correct the minor issues which have been pointed out in this Office Action.

The 35 USC 103(a) rejection of claims 1, 12-27 and 29-32 as being unpatentable over Ruckwardt in view of Byerly is respectfully traversed.

In this rejection Byerly is cited to teach first and second ribs 32, 34 which have different radial heights and relied upon to support the position that it would be obvious to use ribs of different heights, as taught by Byerly, in the arrangement of Ruckwardt, in order to "increase the force of retaining an object within the tubular portions." However, it is submitted that Ruckwardt is directed to supporting a tube-shaped part and that it discloses at column 4, lines 9-12, that the tube-shaped part abuts the thickenings or tab portions 18 and 19 and is thus supported by these three separate elements in somewhat of a point of line-type contact.

If the purportedly obvious use of ribs having different heights were (*arguedo*) to be used in Ruckwardt, the problem would arise that some of the ribs would engage the tube-like part while others would not. This would be expected to result in a net reduction of the friction force retaining an object, such as a tube-like part within the tubular portions of Ruckwardt. It is therefore submitted that the hypothetical person of ordinary skill would not be motivated to consider the transfer of teachings that are advanced in this rejection, for at least this reason.

A further impediment to the allegedly obvious transfer of teachings resides in the fact that the Byerly arrangement is intended to be wrapped around a bundle of thin wires (see Fig. 6 of

Application No.: 10/767,745Docket No.: 713-1003

Byerly) and, as illustrated in Fig. 6, be pushed in between the spaced defined between the needle-like protruberences.

Indeed column 3, lines 7-18, of Byerly discloses:

When the strip 30 is rolled up into the loop, as shown in FIGS. 1, 2 and 6, the individual needle-like protruberences cannot bunch up because they are staggered relative to each other across the width of the resilient lining. This allows the individual protruberences to extend between individual wires in a bundle of wires, such as shown for example in FIG. 6. Because of the staggering of the individual protruberences and also because the protruberences can bend in different directions, the protruberences can securely grasp individual wires in the bundle, thereby retaining the bundle of wires.

(Emphasis added)

This it is clear that the purpose of the different sized protuberances is to grasp a bundle (viz., a plurality) of wires and not to engage a single tube-like structure as is clearly suggested as being the type of structure that the Ruckwardt arrangement is designed to hold in place. Therefore, there is nothing that would suggest a transfer of teachings from Byerly to Ruckwardt in the manner which would enable a *prima facie* case of obviousness to be established.

The 35 USC 103(a) rejection of claim 28 as being unpatentable over Ruckwardt in view of Byerly and further in view of Kropp is respectfully traversed. Firstly, this rejection fails to establish a *prima facie* case of obviousness for the same reasons that the rejection of claims 1, 12-27 and 29-32 so fails. Further, in this rejection Kropp is relied upon to disclose ribs with convex curves. The rejection indicates that #56 is a convex curve and #57 is a concave curve. This is submitted as being a misinterpretation of the teachings of this reference. More specifically, the

Application No.: 10/767,745Docket No.: 713-1003

portions referred to form parts of two circular recesses (see Fig. 8) wherein the arrangement which is shown in Fig. 4 is closed shut. This structure would not lead the hypothetical person of ordinary skill to the conclusion that the tops of the protrusions which are shown in Ruckwardt could be shaped in the manner purported in this rejection.

It is respectfully submitted that the rejections which are advanced in this Office Action would not lead the hypothetical person of ordinary skill to the claimed subject matter and cannot be relied upon to establish a *prima facie* case of obviousness for at least this reason.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN & BERNER, LLP.**

Benjamin J. Hauptman  
Registration No. 29,310

USPTO Customer No. 22429  
1700 Diagonal Road, Suite 310  
Alexandria, VA 22314  
(703) 684-1111 BJH/KL/kb  
(703) 518-5499 Facsimile  
Date: October 5, 2005

CERTIFICATION OF FACSIMILE TRANSMISSION  
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED  
TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW

*Kindra Bryant*  
TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION

SIGNATURE

October 5, 2005

571-273-8300  
FACSIMILE NUMBER